IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

APPEAL NO.795 OF 2004
IN
ARBITRATION PETITION NO.470 OF 2004

Mitsui O.S.K.Lines Limited — Appellants
vs.
Orient Ship Agency Private Limited — Respondents

Mr.Zubin Kamdin i/b. M/s.Mulla & Mulla for the appellants.

Mr.V.R.Dhond with Mr.A.Kolse Patil for the respondents.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 21st December 2004

P.C.

After hearing the learned counsel for the appellants, we are satisfied that the impugned order does not call for any interference. The appeal is, accordingly, dismissed in limine.

2. However, this will not preclude the appellants from moving the Arbitral Tribunal in the pending arbitration proceedings for partial discharge of the Bank Guarantee furnished by the appellants pursuant the orders of this Court. We also clarify that if any order is passed by the Arbitral Tribunal discharging the Bank Guarantee in part, the Prothonotary and Senior Master of this Court shall act upon the direction of the Arbitral Tribunal.

(R.M. LODHA,J.)

(J.P. DEVADHAR,J.)